

STATE OF LOUISIANA	*	NO. 2026-K-0648
VERSUS	*	
DAVID JEANJACQUES	*	COURT OF APPEAL
	*	FOURTH CIRCUIT
	*	STATE OF LOUISIANA
* * * * *		

APPLICATION FOR WRITS DIRECTED TO
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 568-409, SECTION “DIVISION G”
Hon. Nandi Campbell, Judge
* * * * *

Judge Paula A. Brown
* * * * *

(Court composed of Judge Joy Cossich Lobrano, Judge Sandra Cabrina Jenkins,
Judge Paula A. Brown)

LOBRANO, J., CONCURS IN THE RESULT
JENKINS, J., DISSENTS AND ASSIGNS REASONS

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**WRIT GRANTED;
JUDGMENT REVERSED;
REMANDED
OCTOBER 21, 2026**

Relator, State of Louisiana (“State”), seeks review of the district court’s August 10, 2026 judgment which overruled its objection to the consideration of Defendant/Respondent’s, David Jeanjacques (“Defendant”), motion to waive jury trial. For the reasons that follow, we reverse the district court’s August 10, 2026 ruling and remand the matter for further proceedings consistent with this opinion.

FACTUAL AND PROCEDURAL HISTORY

On December 18, 2025, the State, through the Attorney General acting as district attorney ad hoc for the Parish of Orleans, filed a bill of information charging Defendant with the following offenses, to wit: one count each of transactions involving proceeds from drug offenses, a violation of La. R.S. 40:1041; attempted possession with intent to distribute a controlled dangerous substance, to wit: Carisoprodol, a violation of La. R.S. 40:(27)967(B)(1)(b); and conspiracy to possess with intent to distribute a controlled dangerous substance, to wit: Carisoprodol, a violation of La. R.S. 40:(26)967(B)(1)(b). Defendant pled not guilty to all charges.

On January 23, 2026, Defendant filed an omnibus motion, which, after a hearing on the motions, the district court denied Defendant’s motion to suppress

but found no probable cause for the conspiracy to possess with intent to distribute Carisoprodol charge. Thereafter, the district court set a trial date of August 10, 2026.

On June 16, 2026, Defendant filed a *Motion to Waive Jury Trial and Election of Trial by Judge*. On August 10, 2026, the date of trial, Defendant orally reasserted his written June 16, 2026 motion to waive jury trial. The State objected. The State argued that the district court lacked jurisdiction to consider the motion because La. C.Cr.P. art. 780(B)(2)—which became effective on August 1, 2026—required such motions to be immediately randomly reassigned amongst the judges assigned to hear criminal matters. The district court overruled the State’s objection and granted Defendant’s motion to waive jury trial. The district court then set a new trial date of October 23, 2026.

The State filed notice of intent to seek supervisory review and timely filed the present writ application.

DISCUSSION

In its sole assignment of error, the State contends that La. C.Cr.P. art. 780(B)(2), as amended, was in effect at the time the district court heard Defendant’s motion to waive jury trial; therefore, the State insists, the district court was without authority to preside over the motion, and erred by doing so. Notwithstanding that the original motion to waive jury trial was filed before the effective date of the amended article, the State urges that because the amendment was procedural, its effect was retroactive.

“The issue of whether an amendment to a law is to be applied prospectively or retroactively presents a legal question, which appellate courts review *de novo* to simply determine whether the district court was legally correct or legally incorrect

without deference to the legal conclusions of the lower court.” *Parria v. La. Citizens Prop. Ins. Corp.*, 24-0263, p. 4 (La. App. 1 Cir. 11/13/24), 405 So.3d 1012, 1015-16 (citing *Jackson v. BASF Corp.*, 04-2777, p. 3 (La. App. 1st Cir. 11/4/05), 927 So.2d 412, 415).

Under La. Const. Art. I, § 17(a), “[e]xcept in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury but no later than forty-five days prior to the trial date and the waiver shall be irrevocable.” The constitutional provision has been codified in La. C.Cr.P. art. 780(B).

Prior to the amendment at issue herein, La. C.Cr.P. art. 780(B) stated the following:

The defendant shall exercise his right to waive trial by jury in accordance with Article I, Section 17 of the Constitution of Louisiana. The waiver shall be by written motion filed in the district court not later than forty-five days prior to the date the case is set for trial. The motion shall be signed by the defendant and shall also be signed by the defendant’s counsel unless the defendant has waived his right to counsel.

La. C.Cr.P. art. 780(B) was amended, in pertinent part, by Acts 2026, No. 541. The amendment—which became effective on August 1, 2026—added Subsection (2) to the article to provide as follows:

If a defendant files a motion pursuant to this Paragraph in a district court with three or more judges who are assigned criminal matters within respective divisions or sections, the case shall be randomly reassigned among the remaining judges who are assigned criminal matters within all divisions or sections immediately following the filing of the motion.

This Court recently explained in *State v. Darlak*:

“[A] criminal statute, like all other statutes, should be interpreted so as to be in harmony with and to preserve and effectuate the manifest intent of the legislature; an interpretation should be avoided which would operate to defeat the object and purpose of the statute.” [*State v. Taylor*, 2012-0345, p. 30, [(La. App. 4 Cir. 6/26/13)]118 So.3d [65,] 83 (quoting *State v. Shaw*, 2006-2467, pp. 14-15 (La. 11/27/07),

969 So.2d 1233, 1242). Where the words of a statute are clear and free from ambiguity, the words are not to be ignored “under the pretext of pursuing its spirit.” La. R.S. 1:4. Our Supreme Court has relied on La. C.C. art. 6 for a determination as to whether an amended provision of the Louisiana Criminal Code should be applied retroactively. *State v. Washington*, 2002-2196 (La. 9/13/02), 830 So.2d 288. “In the absence of contrary legislative expression, substantive laws apply prospectively only. Procedural and interpretative laws apply both prospectively and retroactively, unless there is a legislative expression to the contrary.” La. C.C. art. 6. “A two-fold inquiry is required by La. C.C. art. 6 in deciding whether a law should be applied retroactively.” *Washington*, 2002-2196, p. 2, 830 So.2d at 290. It must first be determined whether the enactment expresses legislative intent as to the retrospective or prospective application of the statute. *Id.* If such intent is expressed, the inquiry ends. *Id.*

25-0267, p. 8 (La. App. 4 Cir. 6/22/26), ___ So.3d ___, ___, 2026 WL 1784726, at *4.

In *State v. Washington*, 02-2196, p. 3 (La. 9/13/02), 830 So.2d 288, 290, the Supreme Court further explained the three types of law:

Substantive laws are laws that impose new duties, obligations or responsibilities upon parties, or laws that establish new rules, rights and duties or change existing ones. Interpretive laws are those which clarify the meaning of a statute and are deemed to relate back to the time that the law was originally enacted. Procedural laws prescribe a method for enforcing a substantive right and relate to the form of the proceeding or the operation of laws. (citation omitted).

A review of the legislative acts surrounding the amendment to article 780 reveals that the Legislature was silent as to its retroactive or prospective nature. Both parties agree that the amendment was procedural in nature; therefore, pursuant to La. C.C. art. 6, the article is applied both retroactively and prospectively. “The Legislature is free, within constitutional confines, to give its enactments retroactive effect.” *Parria* at p.5, 405 So.3d at 1016. It must be noted, however, that “[r]etroactive application of new legislation is constitutionally permissible only if it does not result in impairment of the obligations of contracts or in divestiture of vested rights.” *Id.* (citation omitted).

In the case *sub judice*, Defendant’s vested right is the statutory right to waive trial by jury, which was not disturbed by the amendment now requiring the procedural step of reallocation of the case to another division.¹ As this Court pronounced in *Doe v. Jesuit High School of New Orleans*, “[o]ur jurisprudence is well-settled that ‘no one has any vested right in any given mode of procedure.’” 21-0284, pp. 7-8 (La. App. 4 Cir. 11/10/21), 331 So.3d 426, 432 (citing *Sawicki v. K/S Stavanger Prince*, 01-0528, p. 10 (La. 12/7/01), 802 So.2d 598, 604-05. “Because the statute addresses the mode or means of the trial, it is a procedural matter, which does not affect any vested rights, and, therefore, may be applied retroactively.” *Blanchard v. City Parish of East Baton Rouge*, 95-2011, p. 13 (La. App. 1 Cir. 4/30/96), 674 So.2d 317, 325 (citations omitted). Moreover, “[a] criminal defendant does not have the right to have his case heard by a particular judge . . . and is not denied due process as a result of an error in a particular judge's selection unless he can point to some resulting prejudice.” *State v. Cooper*, 10-2344, pp. 20-21 (La. 11/16/10), 50 So.3d 115, 131 (citation omitted). To conclude that the previous version of La. C.Cr.P. art. 780 is controlling because the motion to waive trial by jury was filed before the amendment became effective, renders La. C.C. art. 6 meaningless. The only way for retroactivity to apply is if all pending, but undecided, motions are subject to the procedural amendment. To hold that all such motions are only subject to the amended version if filed on or after the August 1, 2026 effective date is to apply prospective application only.

DECREE

¹ Cf. *State of La. v. Clyde Madere*, unpub. 26-426 (La. App. 5 Cir. 9/29/26), 2026 WL 2924606, writ denied, stay denied sub nom *State v. Madere*, 26-01288 (La. 10/5/26), 2026 WL 3000044 (Mem), wherein the Fifth Circuit Court found that La. C.Cr.P. art. 780 B(2) was not to be retroactively applied to a motion to waive jury trial that had been filed **and granted** in April 2026, months prior to the August 1, 2026 effective date.

For the foregoing reasons, we grant the State's writ application, reverse the district court's August 10, 2026 ruling and remand the matter for further proceedings consistent with this opinion.

**WRIT GRANTED;
JUDGMENT REVERSED;
REMANDED**